

Application No.: 10/674,726

Amendment and Response dated December 15, 2005

Reply to Final Office Action of September 23, 2005

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Remarks/Arguments:

Introduction

Claims 36-39, 42-48, 50-56, 60-62, 64, 65 and 77 are pending. Claims 36, 38, 39, 46, 52, 53 and 61 have been amended, *inter alia*, to describe the bioabsorbable portion and/or tubular body as being bioabsorbable filaments. Support for these amendments may be found throughout the Specification, for example at page 9 in the paragraph beginning with The stent 110" and originally filed claims 39 and 46. Claims 36 and 52 have also been amended to describe the inclusion of a bioabsorbable adhesive. Support for the amendments to claims 36 and 52 may be found in originally filed claims 40-41 and 58-59, respectively. Claims 40, 41, 58 and 59 have been canceled. Claims 42 and 60 have been amended for antecedent basis following the cancellation of claims 40 and 58, respectively.

No new matter is introduced with these amendments. Entry of these amendments is respectfully requested.

Section 102 Rejections

Claims 36-48, 50, 52-56, 58-61, 64-65 and 77 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,245,103 to Stinson (hereinafter "Stinson"). Applicants respectfully traverse.

Stinson is directed to a stent formed from helically wound and braided filaments of bioabsorbable polymers. (Stinson, abstract). The stent may include a graft. (Stinson, column 9, lines 38-42). Stinson, however, fails to disclose the use of an adhesive, in particular a bioabsorbable adhesive, to bond the stent and graft to one and the other.

Thus, Stinson fails to disclose each and every limitation of independent claims 36 and 52. Therefore, reconsideration and withdrawal of the rejection of claims 36 and 52, and all claims dependent therefrom, under 35 U.S.C. § 102(e) are respectfully requested.

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Claims 36-40, 42, 44-58, 60-63 and 64 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,957,974 to Thompson et al. (hereinafter "Thompson"). Applicants respectfully traverse.

Thompson describes a stent or latticework 34 formed from structural strands 36. (Thompson, column 7, lines 15-16). Thompson, however, fails to disclose that its structural strands may consist essentially of bioabsorbable filaments. (see e.g., Thompson, column 7, lines 37-56). Thompson merely indicates that a bioabsorbable strand or strands may be interwoven with its non-bioabsorbable, structural strands. (Thompson, column 13, lines 57-64).

Further, Thompson fails to disclose the use of a bioabsorbable adhesive. (See e.g., Thompson, column 11, lines 18-28).

Thus, Thompson fails to disclose each and every limitation of independent claims 36 and 52. Therefore, reconsideration and withdrawal of the rejection of claims 36 and 52, and all claims dependent therefrom, under 35 U.S.C. § 102(e) are respectfully requested.

Section 103 Rejections

Claims 41, 43, 59 and 64 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson in view of Stinson. Claims 51 and 62 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stinson in view of Thompson. Applicants respectfully traverse.

As discussed above, Thompson describes a stent formed from structural strands 36. The structural stands may be metallic materials or monofilament "PET, polypropylene, PEEK, HDPE, polysulfone, acetyl, PTFE, FEP, and polyurethane". (Thompson, column 7, lines 37-54). Applicants respectfully submit that one of ordinary skill in the art would readily recognize that such materials are not bioabsorbable. Further, Thompson teaches that bioabsorbable

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strands may be interwoven or interbraided with its non-bioabsorbable structural, stent-forming strands. Thus, Thompson fails to teach or suggest a stent-graft having a stent consisting essentially of bioabsorbable filaments.

Further, Thompson fails to teach or suggest the use of a bioabsorbable adhesive for bonding stent and graft portions to one and the other.

Thus, Thompson fails to teach or suggest, *inter alia*, a stent consisting essentially of bioabsorbable filaments and a bioabsorbable adhesive for bonding such a stent to a graft.

Stinson discloses a stent having bioabsorbable filaments. A graft may be included with the stent. (Stinson, column 9, lines 38-42). Stinson, however, fails to teach or suggest the use of an adhesive, in particular a bioabsorbable adhesive, for bonding the stent and the graft.

Thus, Stinson fails to teach or suggest, *inter alia*, a bioabsorbable adhesive for bonding such a bioabsorbable stent to a graft.

The only teaching of a stent consisting essentially of bioabsorbable filaments which is adhesively bonded to a graft with the use of a bioabsorbable adhesive is the subject application. It is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify the specific teachings of Thompson, for example Thompson's specific use of non-bioabsorbable adhesives, such as silicone, fluorosilicone, polycarbonate urethanes, polypropylene and polyethylene, to combine Thompson with Stinson to arrive at the claimed invention. The requisite motivation for relying upon the cited references and making the proposed combination must reference some teaching, suggestion or inference in the prior art as a whole, or from the knowledge generally available to one of ordinary skill in the art and not from Applicants' disclosure. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992). The only possible motivation to combine and modify these references is the teachings of the subject application. Such hindsight reconstruction, however, is strictly prohibited and,

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therefore, the action fails to present a *prima facie* case of obviousness. Therefore, the action fails to present a *prima facie* case of obviousness.

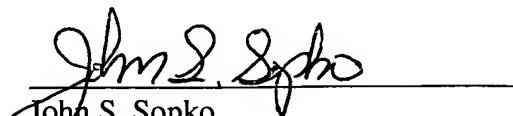
Summary

Therefore, Applicants respectfully submit that independent claims 36 and 52, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,


John S. Sopko
Registration No.: 41,321
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700